

In the United States District Court for the
Southern District of New York

SeanPaul Reyes
Plaintiff

v.

The City of New York,
Defendant

Case No. 23-cv-6369

DECLARATION OF SEANPAUL REYES IN SUPPORT OF PLAINTIFF'S
MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to 28 U.S.C. § 1746, Plaintiff SeanPaul Reyes declares as follows:

1. My name is SeanPaul Reyes and I am the plaintiff in the above-captioned matter. I make this declaration in support of my motion for a preliminary injunction.
2. I am an adult resident of Suffolk County, New York.
3. I am a journalist who conducts public business with public officials, including police officers, while recording the encounters.
4. I edit the videos of these encounters and post them on my YouTube channel, where I am known as "Long Island Audit." The YouTube channel is available at <https://www.youtube.com/c/longislandaudit>.
5. I have been recording and posting these videos for over two years. I have posted over 300 videos. I have over 500,000 subscribers to my channel.
6. I record and post these videos to educate the public on how their public officials behave, particularly how they respect or fail to respect the First Amendment right to record public officials doing their jobs.

7. I believe that recording public officials, including police officers, in the performance of their duties is an essential means of holding them accountable.
8. I have recently started posting video recorded by others showing police officers abusing their authority.
9. I hope to draw attention to police abuse through my journalism and activism so that such abuse can be addressed and eventually eliminated.
10. On April 4, 2023, I sought to peacefully exercise my First Amendment right to film in public and publicly accessible areas.
11. I chose to visit the NYPD's Sixty-First Precinct, a facility of the NYPD located at 2575 Coney Island Avenue, Brooklyn, NY (the "061").
12. I had police business to conduct in the 061. I wished to obtain a complaint form and file a complaint.
13. Before I entered the 061, I began recording a video and continued to record until NYPD officers arrested me and confiscated my equipment.
14. A true and accurate copy of the video is attached as **Exhibit A** to this declaration.
15. While waiting in line in the precinct lobby along with other members of the public, I was approached first by NYPD Sergeant Tosares Korchimet (Badge No. 256) and then by Police Officer Giovanni Cucuzza (Badge No. 259).
16. The officers told me that I could not record in the precinct lobby and pointed me to a sign stating that recording in precinct lobbies was prohibited.
17. They told me I could stop recording or leave the precinct.
18. When I did neither, they placed me under arrest.
19. I was held in the 061 for over six hours and eventually released with a Desk Appearance Ticket for charges that were eventually dismissed.

20. I cannot continue reporting without recording his interactions with officers, including those that take place in precinct lobbies.

21. I believe that my right to record police officers in the publicly-accessible portions of police precincts is protected by the First Amendment, and I intend to exercise my rights to make these recordings while engaging in public business with public officials.

22. But unless the Trespass Policy is enjoined, I will be re-arrested for asserting my rights.

23. I was in fact arrested again while exercising my First Amendment rights in the publicly-accessible areas of a police precinct.

24. I am currently refraining from exercising my rights under the very real threat of continued arrest and prosecution.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 25, 2023.

A handwritten signature in black ink, appearing to read "SeanPaul Reyes", written over a horizontal line.

SeanPaul Reyes